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AUSTRALIA ICOMOS SUBMISSION

Managing our Heritage a Position Paper supporting the final consultation on the reform of the Historic Cultural Heritage Act 1995, October 2007

Australia ICOMOS welcomes the opportunity to comment on the proposed reform of the Historic Cultural Heritage Act 1995 through the position paper Managing our Heritage (September 2007). We acknowledge that the current reform of the State's Heritage legislation results from an obligation to uphold the COAG agreement in 1997 and applaud the desire to provide an easier, clearer and more consistent approach to heritage management in Tasmania.

We also acknowledge the 2005 review by Professor Richard Mackay, a member of Australia ICOMOS, and will refer to his document throughout this submission.

Professor Mackay identified that the centralised heritage regulation by the State Government was at odds with both best practice and the practical realities of workloads. Reviewing other state systems, he recognised a need for a 'state and local' heritage management model, which the position paper proposes.

Australia ICOMOS supports this in principle, recognising the challenges this places on both state and local authorities, and will attempt to address some of the key issues that are raised in the paper assuming that this model will be adopted.

We address our comments to the format of the position paper.

1. Introduction

The introduction acknowledges the important work that Richard Mackay undertook to review the Tasmanian Heritage Act and notes his 82 recommendations. The position paper primarily focuses on the state and local government issues and does not adequately deal with Mackay's other recommendations, in particular those relating to cultural landscapes, movable heritage and archaeology.

- Australia ICOMOS would like to see the full list of recommendations contained in the Mackay report dealt with under a complete legislative review within a set timeframe.
- There needs to be interim protection for places listed on state registers proposed to be transferred to local jurisdictions. This needs to be done to allow time for the infrastructure, resources and training to be put in place at local government level, so that local governments are equipped to manage their responsibilities before any transfer is undertaken.

2. *Identifying Heritage*

- Australia ICOMOS supports the idea of heritage surveys as a means of identifying places of heritage significance. These surveys are particularly good at identifying significant built heritage, but unfortunately archaeological values often slip through the systems simply because they may not be visually evident. Before any state/local split is made with the register, individual listings need to be reviewed and take into account such aspects as archaeological potential. As well as heritage surveys, archaeological zoning plans should be systematically undertaken in relevant areas.
- Archaeological sites are often not identified until survey or development work is under way. It will be necessary to make provision for the nomination and listing of archaeological sites at the time their significance is recognised at both local and state levels.
- Australia ICOMOS believes that all nominations should be taken seriously, and that state and local authorities need to be appropriately resourced to assess the value of the nomination no matter how frivolous it may seem.
- Australia ICOMOS supports the idea of having clear definitions for terms such as precinct and group, with examples provided to assist those nominating and assessing prospective items.
- Australia ICOMOS is pleased that the State Government recognises the importance of cultural landscapes, movable heritage and archaeology and in the light of this:
 - i. The State Government should determine an approach to cultural landscape identification and introduce additional statutory processes to identify, assess and manage significant cultural landscapes, especially across local government boundaries
 - ii. The State Government should formally consider the Summary of Key Recommendations from the 2002 Movable Heritage Discussion Paper prepared by the Tasmanian Heritage Council.
 - iii. A register should be developed to protect items of significance.
 - iv. Current legislation does not clearly identify ownership of excavated material from places listed on the register, and similarly curation and conservation of excavated materials is not provided for. Clarity of these issues should be sought in the revision of the Act to stop the loss of important research material associated with registered places.

3. *Assessing Heritage*

- Australia ICOMOS supports the retention of the seven criteria with the need to include aesthetic values to bring the criteria into line with those adopted nationally, and also to conform with the principles of the Australia ICOMOS *Burra Charter*
- Australia ICOMOS would encourage the heritage assessment processes related to the register to be brought into alignment with evolving best heritage practice, such as the overt identification of 'use,

association and meaning' as contributing heritage value in *The Burra Charter (The Australia ICOMOS charter for Places of cultural Significance 1999)*

- Australia ICOMOS also supports the heritage assessment criteria being removed from the Act and incorporated by regulation, and also the development of definitions and thresholds, in consultation with heritage professionals, as part of the reform.

4. *Listing Heritage*

- Group listings are an important area that can be overlooked and may include disparate items that have important links; these may be individual sites or collections of movable cultural heritage. The Heritage register should be able to provide for inclusion in the Tasmanian Heritage Register of individual listings that comprise a group of otherwise separate elements

5. *Managing Heritage*

- Australia ICOMOS supports the proposal that the State Government, through the Heritage Council, will be responsible for managing places of state significance.
- Australia ICOMOS agrees that if a place is listed as significant it must be managed along strict conservation principles but has concerns over the term of "lesser significance" and considers that this could set a poor precedent for heritage management. Once a place has been assessed as significant at a local or state level it should not then be graded to be more or less significant than another within the same category. All conservation principles should be applied equally.
- A site having local significance may be equally important to the local community as one of state or national significance is to the larger community.
- Australia ICOMOS supports the idea that the Heritage Council will publish guidelines that clearly define the principles to be applied in managing places as this will contribute to the transparency of the process. It is important that the guidelines are framed in a simple and comprehensible manner.
- Australia ICOMOS would encourage heritage legislation to be more closely aligned with LUPAA, to provide a clearer and easier process.
- It is recognised that local authorities will have the regulatory control over heritage places of local significance but it is essential that adequate resources and training are available to them, either through an advisory body or well-resourced staff from the Heritage Office. The majority of local authorities currently have planners and building departments but very few have heritage trained staff, let alone archaeologists or other specialists, and this is unlikely to change in the near future. Consequently, for adequate management of locally significant sites it is essential that training and provision of adequate

professional advice is made available so that decision making will be appropriately informed.

6. *Roles and Responsibilities*

- Australia ICOMOS supports the proposal that the Heritage Council should remain independent.
- Australia ICOMOS recommends that the majority of members should have skills in conservation: ie. archaeologists, conservation architects, historians, planners etc. and that representatives of other interests may be included but not so as to make the Council too large to be unworkable.

7. *Transition Arrangements*

- Australia ICOMOS believes it is essential that the process of reviewing places on the register is given a high priority, and that all criteria are included in the review.
- No places should be removed from the state register until the review is completed.
- As part of this process, gaps in the register should also be identified and provision made to adequately cover these.
- It is imperative that appropriate resources are provided to undertake this work, as this will form the foundation for the whole process.
- As an interim measure, all records should remain on the state list until the review of the registrations is completed.

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8. *Support and Resources*

- It is essential that local government be provided with adequate support and resources particularly with heritage expertise to maintain the level of protection and management of significant sites.



Peter Phillips
President, Australia ICOMOS

30 October 2007